

BILL ANALYSIS

H.B. 3453
By: Macias
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, school districts may classify any or all of the following as student “directory” information: name, address, phone number, e-mail address, photograph, degree(s), honors/awards received, date of birth, location of birth, major field(s) of study, attendance record, grade level, previous educational institution, participation in school-sponsored extra-curricular activities and sports, even their height and weight (for members of athletic teams).

All student data classified as “directory” information is currently available by proper request to anyone unless a parent exercises a specific option objecting to its release, either in part or in whole.

House Bill 3453 would allow a public school district information officer, or the officer's agent, to ask a requester whether he/she is a registered sex offender. If the requester answers in the affirmative, the information officer may refuse to release “directory” information regardless of whether or not a parent has exercised their objecting option.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Section 552.222, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

- (a) The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided by Subsection (b), (c), or (d).
- (d) If the information requested relates to information in a student record of a student at a primary or secondary school funded wholly or partly by state revenue, the officer for public information or the officer's agent may, to the extent allowed by federal law:
 - (1) ask the requestor to state whether the requestor is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or under the laws of another state or the United States, and
 - (2) refuse to produce the information if the requestor is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or under the laws of another state or the United States.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.